

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: Marsha D. SIPPLE

Docket Number: 1:05CR00086-001 OWW

Offender Address: Bakersfield, California

Judicial Officer: Honorable Oliver W. Wanger
United States District Judge
Fresno, California

Original Sentence Date: July 11, 2005

Original Offense: Cts. 1 and 2: 18 USC 287 - False Claim to an Agency
of the United States (CLASS D FELONIES)

Original Sentence: 3 years probation; \$200 special assessment; \$4,746
restitution; mandatory testing

Special Conditions: Warrantless search; not dissipate assets; financial
disclosure; not incur new credit; drug counseling and
testing; mental health treatment; 30 days home
detention on electronic monitoring; \$25 co-payment;
DNA collection

Type of Supervision: Supervised Probation

Supervision Commenced: July 11, 2005

Assistant U.S. Attorney: Stanley A. Boone **Telephone:** (559) 498-7272

Defense Attorney: James R. Homola **Telephone:** (559) 441-7111

Other Court Action:

10-06-05: Non-compliance Report advising the Court of the
defendant's missed testing appointments on two
occasions. The probation officer extended the
defendant's drug testing requirements and

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recommended the Court take no additional negative action. The Court approved on October 12, 2005.

NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

- 1. MISSED TESTING APPOINTMENT(S)**
- 2. IRREGULAR RESTITUTION PAYMENTS**

Details of alleged non-compliance: On January 16, 2006, the defendant failed to report to the drug testing program to submit a urine sample as required by the special condition she participate in a program of drug testing.

Additionally, the defendant has failed to make a payment towards restitution since September 2005.

United States Probation Officer Plan/Justification: When confronted regarding the above indicated violation conduct, the defendant stated she forgot to call the drug testing program for reporting instructions on January 16, 2006, because she was at a casino. The probation officer reminded the defendant she has already received the benefit of extended testing requirements due to previous noncompliance with testing requirements, and the probation officer advised her that a community corrections center placement recommendation would be appropriate due to her continued noncompliance. The probation officer advised the defendant that, since she has a toddler who requires her care, a community corrections center placement recommendation would not be made at the

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present time, but the probation officer would not hesitate to make such a recommendation should she fail to bring herself into compliance.

Considering the above coupled with the fact the defendant understands further noncompliance will result in a community corrections center recommendation, the probation officer recommends the Court take no negative action at the present time.

When confronted with the fact she was recently in a casino, but has not made monthly restitution payments, the defendant stated she did not gamble because she had no money. She admitted she has not made monthly restitution payments due to an extremely low monthly income. The probation officer re-instructed the defendant to make nominal monthly payments in order to demonstrate a good faith effort towards satisfying her debt. The defendant agreed to comply.

Considering the probation officer will collect payments for the missing months, coupled with the fact the defendant has been advised that willful failure to make monthly restitution payments will result in a return to Court to face violation proceedings, and she understands her supervision could be extended by two years for continued collection of restitution, the probation officer recommends the Court take no negative action at the present time.

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Should the defendant again find herself at variance from her terms and conditions of supervision, the probation officer will notify the Court.

Respectfully submitted,

/s/ R. Walters
R. WALTERS
United States Probation Officer
Telephone: (661) 861-4305

DATED: January 25, 2006
Bakersfield, California

REVIEWED BY: _____ /s/ Rick C. Louviere
RICK C. LOUVIERE

Supervising United States Probation Officer

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THE COURT ORDERS:

- (X) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- () Submit a Request for Modifying the Conditions or Term of Supervision.
- () Submit a Request for Warrant or Summons.
- () Other:

Jan. 27, 2006

/s/ OLIVER W. WANGER

Date

Signature of Judicial Officer

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cc: United States Probation
Stanley A. Boone, Assistant United States Attorney
James R. Homola, Attorney at Law